

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

<b>IN RE:</b>  <b>CYNTHIA DEAVER FORSMAN, dba CYNTHIA D. FORSMAN, fka CYNDI M. SEAY, fka CYNTHIA DEAVER-SEAY, Debtor.</b>	<b>CHAPTER 13 CASE NO.: 19-50909</b>
<b>JPMORGAN CHASE BANK, N.A.</b> Movant,  v.  <b>CYNTHIA DEAVER FORSMAN, dba CYNTHIA D. FORSMAN, fka CYNDI M. SEAY, fka CYNTHIA DEAVER-SEAY, Debtor, HERBERT L BESKIN, Trustee,</b>  Respondents.	<b>FILED PURSUANT TO 11 U.S.C SECTION 362</b>

**MOTION FOR RELIEF FROM AUTOMATIC STAY REGARDING  
2016 SUBARU WRX**

COMES NOW, JPMorgan Chase Bank, N.A. (hereinafter referred to as “Movant”), by and through its undersigned counsel, moves for relief from the automatic stay and alleges as follows:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. §362, FRBP 4001(a), and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the laws of the United States of America.

2. On or about February 12, 2016, Debtor purchased a 2016 Subaru WRX (VIN: JF1VA1B68G9822230) (hereinafter referred to as “vehicle”) by virtue of a Retail Installment Sale Contract Simple Finance Charge (the “Agreement”).
3. Movant has a validly perfected security interest in the vehicle. A copy of said Agreement and evidence of Movant’s perfected security interest is included in the attached exhibits.
4. Cynthia Forsman, (hereinafter referred to as “Debtor”) filed a petition for relief under Chapter 13 of the Bankruptcy Code on October 17, 2019. Debtor’s confirmed Chapter 13 Plan calls for Debtor to make post-petition payments directly to Secured Creditor.
5. Debtor is now in default of the Agreement and the Debtor is post-petition due for the February 13, 2022 payment with a post-petition delinquent payments of \$1,726.38 as of May 11, 2022. An additional \$575.46 came due on May 13, 2022.
6. The approximate payoff under the loan documents is \$5,302.16. The vehicle is most recently valued at \$21,900.00.
7. Cause exists including the lack of adequate protection to grant Movant relief from the automatic stay so as to authorize Movant to sell the vehicle.
8. Pursuant to 11 U.S.C. §362, Movant alleges that sufficient cause, including lack of adequate protection exists for the automatic stay to be terminated.

WHEREFORE, Movant respectfully prays to the Court as follows:

- (a) That the automatic stay under 11 U.S.C. § 362 modified to allow Movant to pursue state remedies to protect its security interest in the vehicle, including, selling the vehicle; to contact the Debtor via

telephone or written correspondence to discuss the transfer of possession of the vehicle;

- (b) That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived; and
- (c) For such other and further relief, the Court deems just and proper.

### **NOTICE**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**If you do not wish the Court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within the time specified in the Court's pre-hearing order, you must file a written response explaining your position with the Court and serve a copy on the movant. Unless a written response is filed and served within the time specified in the Court's pre-hearing order, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.**

**If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before time specified in the Court's pre-hearing order.**

**You will be notified separately of the hearing date on the motion.**

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

**/s/ BRANDON R. JORDAN**

Brandon R. Jordan

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Attorney for Movant

**CERTIFICATE OF SERVICE**

I certify that I am over the age of 18 and that on May 26, 2022, a copy of the foregoing Motion for Relief from Automatic Stay was mailed first-class, postage prepaid, to:

Cynthia Deaver Forsman  
72 Lofty Circle  
Stuarts Draft, VA 24477

And via electronic notice to:

Roland S. Carlton, Jr.  
Carlton Legal Services, PLC  
118 MacTanly Place  
Staunton, VA 24401

Herbert L Beskin  
Chapter 13 Trusteeship  
123 East Main St., Ste. 310  
Charlottesville, VA 22902

US Trustee  
Office of the United States Trustee  
210 First Street, Suite 505  
Roanoke, VA 24011

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

**/s/ BRANDON R. JORDAN**  
Brandon R. Jordan